



**Exhibit 1 Declaration of Applicants**



PATENT APPLICATION  
ATTORNEY DOCKET NO. 200206465-1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 2826

EXAMINER: Tan N. Tran

APPLICANT: Ashton et al.

SERIAL NO.: 10/673,003

FILED: September 26, 2003

CONFRM. NO.: 9774

FOR: ULTRA-HIGH DENSITY STORAGE  
DEVICE USING PHASE CHANGE DIODE  
MEMORY CELLS AND METHODS OF  
FABRICATION THEREOF

DOCKET NO. 200206465-1

RESPONSE/AMENDMENT

CERTIFICATE OF MAILING  
UNDER 37 C.F.R. § 1.8

DATE OF DEPOSIT: Aug 15, 2005

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Vaughn W. North

DECLARATION OF GARY R. ASHTON  
UNDER 37 C.F.R. § 1.131

Assistant Commissioner of Patent and Trademarks  
Washington, D.C. 20231

I, Gary R. Ashton, declare as follows:

1. I am a named co-inventor in the above-captioned patent application and of the subject matter described and claimed therein.

2. The invention as described and claimed in the above-captioned US patent application No. 10/673,003 was conceived in the United States by myself and Robert J. Davidson,

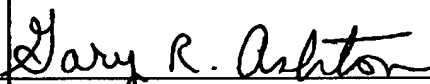
collaborating as co-inventors, prior to May 1, 2003, the effective date of the Chaiken '499 Published Patent Application.

3. Exhibit 2, attached hereto, is a redacted copy of the invention disclosure for the invention described and claimed in the above-captioned patent application that was prepared and signed by myself and Robert J. Davidson prior to May 1, 2003. Accordingly, Exhibit 2 shows that the invention described and claimed in the above-captioned patent application was conceived prior to the effective date of May 1, 2003 of the Chaiken 499 Published Patent Application.

4. The invention disclosure of Exhibit 2 was submitted to Hewlett Packard for the preparation and filing of the above-captioned patent application prior to May 1, 2003.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 11 day of August, 2005.

  
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Gary R. Ashton

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